

The Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell) supports the position of the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) regarding interoperability of Video Relay Services (VRS), as required by the Americans with Disabilities Act (ADA) and the Telecommunications Act of 1996. Two factors guide our position: (1) consumer choice and (2) emergency access.

AG Bell is a lifelong resource, support network, and advocate for listening, learning, talking and living independently with hearing loss. Through publications, outreach, training, scholarships and financial aid, AG Bell promotes the use of spoken language and hearing technology. Headquartered in Washington, DC with chapters located in the United States and Canada and a network of international affiliates, AG Bell's global presence provides its members and the public with the support they need-close to home. With over a century of service, AG Bell supports its mission: Advocating Independence through Listening and Talking

A large number of AG Bell's members who are deaf or hard of hearing use Video Relay Services extensively for telephone communications, utilizing videophone products that enable them to achieve the kind of access that hearing people take for granted. The quality of VRS and its associated hardware, in turn, determine the quality of telephone communications utilized by those who use VRS as their preferred communication method.

Regardless of a hearing person's choice of a local and long-distance telephone and/or cell-phone carrier, he/she is able to place a call through any service offered over the telephone, even services offered by his/her carrier's competitors. This ability to choose is ingrained in FCC regulations that guide the commission's subsidies to VRS providers - namely that VRS should be a "seamless and integrated network" that is interconnected in the same way as the telephone access utilized by normally-hearing people. In addition, the ADA requires relay services to be "functionally equivalent" to voice telephone services. On these notes, we are concerned that the leading provider of VRS has carried out business practices that limit the ability of its customers to choose other VRS providers at their discretion.

Consumer choice is the crucial engine of innovation in business. As many people may recall, AT&T, before its breakup, dominated the telephone industry, essentially impeding any advances in telecommunications technology. It was only after AT&T's breakup that more diverse, higher-quality telecommunications options became available to consumers. Our strong concern is that VRS, as well as other technologies and services that enable individuals who are deaf or hard of hearing to communicate over the phone, remain a highly competitive industry that is responsive to the needs of the deaf and hard of hearing community. In that spirit, companies providing VRS would be able to offer more, and better quality, VRS options to deaf and hard of hearing consumers.

VRS consumers who install videophone equipment provided by a particular VRS provider should not be restricted to the use of the same provider's VRS services. Otherwise, this is akin to AT&T

giving you a telephone handset for your home for free, and then requiring you to place all your calls through AT&T. Another example is a PC manufacturer selling you a laptop with Windows XP thrown in, but the laptop will not work if you decide to try installing Linux or another operating system. In this situation, in order to use other VRS providers, you would be forced to buy separate equipment to access VRS providers. Again, this is akin to mandating that I have both a Windows PC *and* a Macintosh computer at home to access the Internet. Or, if I wanted to watch Pay-Per-View from one cable company and HBO from a different cable company, I would need two different cable boxes.

The ability of individuals who are deaf or hard of hearing to communicate via telephone with others on the same level as hearing individuals is essential from the perspectives of "equal access" and safety. Individuals utilizing VRS as their primary mode of telephone communication should not have their choices restricted to one VRS vendor because of practices that block their ability to utilize other VRS vendors in cases of quality-of-life or emergency issues. For example, someone who relies on VRS for business communications may not be satisfied with the performance of a VRS vendor's interpreters, and should be able to choose another VRS vendor. Similarly, if a VRS vendor's call center is shut down due to external factors such as weather, power failure, or other events beyond the vendor's control, users who are restricted to using that vendor will be unable to make important, even emergency-related calls to family, friends, and work contacts. Hence, our concern is that these users who are deaf or hard of hearing do not have equal access to the telecommunications network.

Key to our concern is the fact that VRS vendors receive pro-rata allocations from the National Exchange Carriers Administration's Interstate TRS Fund - which receives its money from all long distance telephone subscribers. The allocations are determined by the VRS vendors' respective market share of the VRS and TRS market. In that respect, a VRS vendor that engages in practices, which contravene the intent of the FCC regulations, ADA laws, and telecommunications laws, is doing so with the intent of receiving a larger share of the Interstate TRS fund allocations. This would be an unacceptable use of public funds.

AG Bell has always supported a deaf or hard of hearing individual's ability to communicate with other people over the telephone on an equal platform with hearing individuals. For decades, AG Bell strongly supported efforts to enable telecommunications providers to open up access to individuals who are deaf or hard of hearing, in the spirit of the ADA and other Federal laws and regulations. VRS is a technological marvel made possible by the Internet, which has enabled deaf and hard of hearing individuals to conduct telephone calls more quickly and effectively than they have in the past. Competition for the sake of profit is crucial to improving the quality of VRS products for deaf and hard of hearing individuals, but when it impinges on the rights of individuals with disabilities to perform as effectively as non-disabled individuals, competition is no longer an issue. Equal access is.